



City of Seattle

Gregory J. Nickels, Mayor

Department of Design, Construction and Land Use

D. M. Sugimura, Acting Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE**

Application Number: 2100354

Applicant Name: University District Parking Associates

Address of Proposal: 4520 12th Avenue NE

SUMMARY OF PROPOSED ACTION

Master Use Permit to establish the use for the future construction of a parking structure. The proposed structure will be built over an existing 98-space principal use surface parking lot that will be retained following construction. The proposed structure will provide one level of parking accommodating 95 additional parking spaces, to serve as accessory parking only for uses within 800 feet of the subject site. The total square footage of the parking structure is approximately 29,990 square feet.

The following approvals are required:

Design Review - Chapter 23.41 Seattle Municipal Code (SMC)

SEPA - Environmental Determination - Chapter 25.05 SMC

SEPA DETERMINATION: ☐ Exempt ☐ DNS ☐ MDNS ☐ EIS

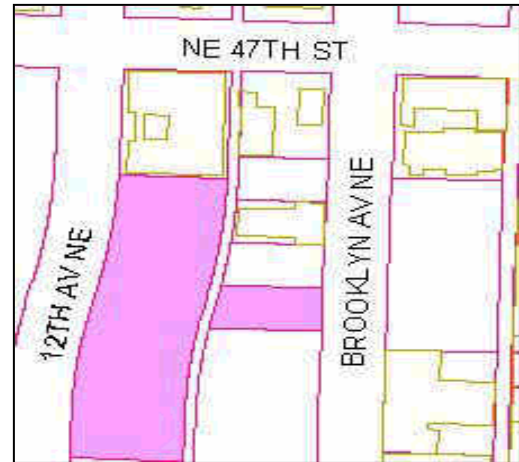
☒ DNS with conditions

☐ DNS involving non-exempt grading or demolition, or
involving another agency with jurisdiction.

BACKGROUND DATA

Site Description

The applicant is proposing a one-story structure to accommodate additional parking on a surface parking lot currently established for principal use parking. The additional parking will be accessory parking for businesses in the immediate area. The one-story structure will be located on the portion of the parcel located adjacent to 12th Ave. NE. The site is currently addressed and accessed from a smaller parking lot owned/managed by the applicant on Brooklyn Ave. NE, due to the presence of a retaining wall along 12th Ave. between the sidewalk and the redevelopment portion of the site. Access to the parking will be provided through an alley as well as through an existing adjacent parking area located to the east of this site.



Principal Use Parking is not a permitted use in this zone, due to the Station Area Overlay zoning requirements in SMC 23.70. As this additional parking will be established as accessory parking only, the use is permitted. A covenant for the project was recorded to serve the University Bookstore and Best Western University Hotel, both located within 800 feet of the project site as required per SMC 23.54.025. Principal Use Parking at the surface level will be retained for 98 parking spaces.

Public Comment

Four (4) comment letters were received during the comment period which ran from June 14 through June 27, 2001. Comments concerning the project expressed concern about the additional parking spaces, potential for increased noise and odor during construction and for the long-term use, the potential for blocking light and shadow on an adjacent Church and the relationship to a mapped Steep Slope.

ANALYSIS - DESIGN REVIEW

Early Design Guidance

The N.E. Design Review Board held its Early Design Guidance meeting on April 2, 2001. After visiting the site, considering the analysis of the site and context provided by proponents and hearing public comment, the Design Review Board members provided the following siting and design guidance, identifying by letter and number those siting and design guidelines found in the City of Seattle's "Design Review: Guidelines for Multi-family and Commercial Buildings" and

the University Community Design Guidelines, effective October 15, 2000, that are of the highest priority to this project:

- A-1 Responding to Site Characteristics
- A-2 Streetscape Compatibility
- A-3 Entrances Visible from the Street
- A-4 Human Activity
- A-5 Respect for Adjacent Sites
- A-8 Parking and Vehicle Access
- B-1 Height, Bulk and Scale Compatibility
- C-1 Architectural Context
- C-2 Architectural Concept and Consistency
- C-3 Human Scale
- C-4 Exterior Finish Materials
- C-5 Structured Parking Entrances
- D-2 Blank Walls
- D-3 Retaining Walls
- D-4 Design of Parking Lots Near Sidewalks
- D-5 Visual Impacts of Parking Structures
- D-7 Personal Safety and Security
- E-1 Landscaping to Reinforce Design Continuity with Adjacent Sites
- E-2 Landscaping to Enhance the Building and/or Site

Design Review Board Recommendations

The N.E. Seattle Design Review Board held their second meeting on this proposal on June 18, 2001. The applicant brought additional materials, including photographs and renderings, to indicate how the project had developed since the early design guidance meeting. Specifically, the Board had requested further response from the applicant on the following points:

- How a sense of permanence had been brought to the ‘temporary’ structure
- The condition of the streetscape along 12th, including pedestrian scale elements
- Retention and enhancement of pedestrian access on 12th Ave.
- Relationship between proposed structure and surrounding uses, namely University Baptist Church
- The view of the structure from Brooklyn Ave. N.E. access and from property to the south
- Safe access to structure from Brooklyn Ave. N.E. and 12th Ave.
- Modification and enhancement of landscaping along 12th Ave.
- Artistic elements

Public Comment

No one from the public, other than the applicant’s representative, attended the meeting.

Board Comment

The Board was particularly interested in looking at greater expression of the underlying structural form of the garage, despite their earlier direction to ensure that the structure not have a temporary look. The Board was also interested in providing greater enhancement of the north portion of the structure near the University Baptist Church, the view of the entrance and the pediment feature proposed over the alley entrance location and the possibility of adding additional plantings to both the façade along the alley and the top of the parking structure. The Board also expressed that both the City-wide Design Guidelines and the University Community Design Guidelines were not particularly informative when using them to evaluate or prioritize guidelines that address this specific proposal.

The Board provided additional input on the project, based upon the following Design Guidelines:

A-5 Respect for Adjacent Sites - Buildings should respect adjacent properties by being located on their sites to minimize disruption of the privacy and outdoor activities of residents in adjacent buildings.

- *Add vegetation, detailing and interest on the North and South facades, including variation in texture and color to the Concrete Masonry Units supporting the structure on the north façade;*
- *Add vertical plantings along the north façade, including lattice work to support vegetation.*

Due to the location of the structure on the north property line, and its location in relationship to the existing surface parking lot and its retaining walls, the applicants do not have sufficient room on their lot to accomplish in ground plantings. However, there has been further design development of the façade since the applicant's final recommendation meeting to add additional materials and color to provide more interest on both the north and south facades. The additional materials appear consistent with the Board's direction on the north and south facades.

C-2 Architectural Concept and Consistency - Building design elements, details and massing should create a well proportioned and unified building form and exhibit an overall architectural concept. Buildings should exhibit form and features identifying the functions within the building. In general, the roofline or top of the structure should be clearly distinguished from its facade walls.

- *Reveal more of the underlying structural form, particularly on the east elevation;*
- *Break up form panels and add transparency on east elevation;*
- *Keep central pediments to establish relationship to Church;*
- *Develop an abstraction of the pediment forms over the entrance locations, where feasible, to show the underlying components of the temporary structure, including the support columns, metal tubes and similar structural components;*
- *Use same materials for both pedestrian and automobile access to ensure easy identification.*

The applicant's plans show that more of the underlying structure is shown by revealing the support columns on the east façade, which meet the Board's direction as well as providing some vertical orientation for this façade. The pediment forms on both the east and west façade continue to provide the relationship suggested in the Board's comments, including the use of natural materials to accentuate these forms.

C-4 Exterior Finish Materials - Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.

- *Use color that relates to church;*
- *Give color to vertical elements that accentuate the form of the structure, preferably a primary color to help accentuate the building.*

The use of masonry and a neutral palate, as reflected in the elevation drawings, are supportive of the suggestions made by the Board.

D-2 Blank Walls - Buildings should avoid large blank walls facing the street, especially near sidewalks. Where blank walls are unavoidable they should receive design treatment to increase pedestrian comfort and interest.

- *Look to an artistic element along west side near pedestrian entrance*

E-1 Landscaping to Reinforce Design Continuity with Adjacent Sites - Where possible and where there is not another overriding concern, landscaping should reinforce the character of neighboring properties and abutting streetscape.

E-2 Landscaping to Enhance the Building and/or Site - Landscaping, including living plant material, special pavements, trellises, screen wall, planter, site furniture and similar features should be appropriately incorporated into the design to enhance the project.

- *The Board was particularly interested and concerned how that the vegetation along the west side of the project, adjacent to 12th Ave., be maintained over time. The Board was concerned about this issue because the success of the landscaping would be integral to the success of the solutions along the west façade.*

Summary of Decision

After considering the proposed design and the project context, hearing public comment, and reconsidering the previously stated design priorities, the Design Review Board members felt that all of the guidance they had given in their previous meetings had been addressed by the applicant. The Board did not develop or require specific conditions but directed staff to ensure that their suggestions that are detailed above were implemented.

To ensure that the Board's direction is fully realized in the structure, additional conditions to ensure compliance with the City of Seattle's "Design Review: Guidelines for Multi-family and Commercial Buildings" and the University Community Design Guidelines, effective October 15, 2000. The following additional conditions are developed to ensure compliance with the Board's Direction, public comment and staff review:

1. To ensure compliance with Design Guidelines C2 and C4, a prominent cornice line shall be established on all facades of the building. The cornice line shall use metal materials included for the façade of the building. The cornice can be established through horizontal orientation or some other method consistent with the use and application of this building's materials. The cornice line shall be of a color complementary to the general color palate in use on the building façade. The minimum width of the cornice shall be 1 foot on all facades.
2. To ensure compliance with Design Guidelines C2 and C4, additional metal materials consistent with those used on the façades shall be used to frame the metal panels on the west and east façades, to provide detail and visual interest for these facades.
3. To ensure compliance with Design Guidelines C4 and D2, detailing on the concrete walls for the exterior staircase from 12th Ave. should be provided. Acceptable solutions shall include the use of additional color, reveal lines, new materials or other solutions to provide detailing.

ANALYSIS - SEPA

The initial disclosure of the potential impacts of this project was made in the environmental checklist submitted by the applicant dated May 24, 2001 and annotated by the Department. The information in the checklist, project plans, and the experience of the lead agency with review of similar projects forms the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states in part: *"where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation"* (subject to some limitations). Under certain limitations or circumstances (SMC 25.05.665 D 1-7), mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

Short-Term Impacts

Demolition and construction activities could result in the following temporary or construction-related adverse impacts:

- construction dust and storm water runoff;
- erosion;
- increased traffic and demand for parking from construction equipment and personnel;
- increased noise levels;
- occasional disruption of adjacent vehicular and pedestrian traffic;
- decreased air quality due to suspended particulates from building activities and hydrocarbon emissions from construction vehicles and equipment;
- increased noise; and
- consumption of renewable and non-renewable resources.

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts: The Noise Ordinance, the Stormwater Grading and Drainage Control Code, the Street Use Ordinance, and the Building Code. The Stormwater, Grading and Drainage Control Code regulates site excavation for foundation purposes and requires that soil erosion control techniques be initiated for the duration of construction. The Street Use Ordinance requires debris to be removed from the street right-of-way, and regulates obstruction of the pedestrian right-of-way. Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. The Building Code provides for construction measures in general. Finally, the Noise Ordinance regulates the time and amount of construction noise that is permitted in the City. Compliance with these applicable codes and ordinances will reduce or eliminate most short-term impacts to the environment.

Any conditions to be enforced during construction shall be posted at each street abutting the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. The conditions shall be affixed to placards prepared by DCLU. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of construction.

Earth

The Stormwater, Grading and Drainage Control Code requires preparation of a soils report to evaluate the site conditions and provide recommendations for safe construction on sites where grading will involve cuts or fills of greater than three feet in height or grading greater than 100 cubic yards of material.

To accomplish this project, new retaining walls will be constructed through earth movement and grading along the west side of the project, in a mapped Steep Slope area. No additional fill is anticipated. A Temporary Erosion Control and Drainage plan was provided in the MUP review, which included information to control earth movement. An ECA Exemption was granted to the

project dated July, 2001. No conditions will be required, other than those revisions to the plans that are needed to ensure compliance with earth movement requirements in Environmentally Critical Areas, SMC 25.09. The soils report, construction plans, and shoring of excavations as needed will be reviewed by the DCLU Geotechnical Engineer and Building Plans Examiner who will require any additional soils-related information, recommendations, declarations, covenants and bonds as necessary to assure safe grading and excavation.

Noise

In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby properties, all other construction activities shall be limited to non-holiday weekdays between 7:30 a.m. and 6:00 p.m. In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby residences, only low noise impact work such as that listed below, shall be permitted on Saturdays from 9:00 a.m. to 5:00 p.m. and on Sundays from 10:00 a.m. to 5:00 p.m.:

1. Surveying and layout;
2. Other ancillary tasks to construction activities will include site security, surveillance, monitoring, and maintenance of weather protecting, water dams and heating equipment.

Such construction activities will have a minimal impact on adjacent uses. DCLU recognizes that there may be occasions when critical construction activities could be performed in the evenings and on weekends, which are of an emergency nature or related to issues of safety, or which could substantially shorten the total construction time frame if conducted during these hours. Therefore, the hours may be extended and/or specific types of construction activities may be permitted on a case-by-case basis by approval of the Land Use Planner prior to each occurrence. Periodic monitoring of work activity and noise levels will be conducted by DCLU Construction Inspections.

As conditioned, noise impacts to nearby uses are considered adequately mitigated.

Long-Term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased surface water runoff due to greater site coverage by impervious surfaces; increased bulk and scale on the site; increased traffic in the area and increased demand for parking; increased demand for public services and utilities; potential loss of plant and animal habitat; and increased light and glare.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the Stormwater, Grading and Drainage Control Code which requires on-site collection of stormwater with provisions for controlled tightline release to an approved outlet and may require additional design elements to prevent isolated flooding; the City Energy Code which will require insulation for outside walls and energy efficient windows; and

the Land Use Code which controls site coverage, setbacks, building height and use and contains other development and use regulations to assure compatible development. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long-term impacts; however, due to the size and location of this proposal, potential impacts warrant further analysis.

Section 25.05.675 of the Municipal Code states that the following projects may be conditioned or denied to mitigate their adverse drainage impacts: projects located in environmental critical areas and areas tributary to them; projects located in areas where downstream drainage facilities are known to be inadequate; and projects draining into streams identified by the State Department of Fisheries as bearing anadromous fish. None of these applies to the subject property. All of the proposed drainage facilities must be designed in compliance with the current City of Seattle drainage codes. Therefore, no additional conditioning is warranted pursuant to SEPA policies.

Light and Glare

This proposal includes the addition of one floor of parking to serve as accessory parking to lots within 800 feet of the subject property. As proposed, the parking structure will rise approximately 18 feet from finished grade, which slopes down to the south/southeast. Further, the proposed parking lot includes several lighting poles that are shown on the MUP plan sets of approximately 30 feet in height from the floor of the parking structure. The height of the poles will also be accentuated by the change in grade from the adjacent street. The site is also surrounded by a variety of land uses that include a church, other surface parking lots and nearby mixed-use residential buildings.

SMC 23.47.022 provides code authority for the shielding of light from adjacent properties. This code section does not provide clear authority to address impacts related to parking structures as proposed in this application. Accordingly, under authority in SMC 25.05.660 and SMC 25.05.675, the following conditions are imposed to ensure that light and glare impacts on adjacent properties and the right of way are minimized:

1. To ensure that off site glare impacts are minimized, the surface of the upper floor of the parking shall be painted in a non-reflective coating.
2. A lighting plan shall be developed that documents the minimum pole height necessary to ensure that no off-site glare or lighting impacts will result from the project. The Plan shall include specifics on the minimum pole height necessary to achieve lighting without off site glare or lighting, fixture type and other features to ensure that potential impacts are minimized. The lighting plan shall be prepared by an engineer or other similar profession authorized to prepare such plans.

DECISION - DESIGN REVIEW

The proposed action is **APPROVED WITH CONDITIONS.**

CONDITIONS - DESIGN REVIEW

Prior to the Issuance of a Master Use Permit

1. To ensure compliance with Design Guidelines C2 and C4, a prominent cornice line shall be established on all facades of the building. The cornice line shall use metal materials included for the façade of the building. The cornice can be established through horizontal orientation or some other method consistent with the use and application of this building's materials. The cornice line shall be of a color complementary to the general color palate in use on the building façade. The minimum width of the cornice shall be 1 foot on all facades.
2. To ensure compliance with Design Guidelines C2 and C4, additional metal materials consistent with those used on the façades shall be used to frame the metal panels on the west and east façades, to provide detail and visual interest for these facades.
3. To ensure compliance with Design Guidelines C4 and D2, detailing on the concrete walls for the exterior staircase from 12th Ave. should be provided. Acceptable solutions shall include the use of additional color, reveal lines, new materials or other solutions to provide detailing.

DECISION - STATE ENVIRONMENTAL POLICY ACT

The proposed action is **APPROVED WITH CONDITIONS.**

CONDITIONS - SEPA

Prior to the Issuance of a Building or Grading Permit

1. To ensure that off-site glare impacts are minimized, the surface of the upper floor of the parking shall be painted in a non-reflective coating.
2. A lighting plan shall be developed that documents the minimum pole height necessary to ensure that no off-site glare or lighting impacts will result from the project. The Plan shall include specifics on the minimum pole height necessary to achieve lighting without off-site glare or lighting, fixture type and other features to ensure that potential impacts are minimized. The lighting plan shall be prepared by an engineer or other similar profession authorized to prepare such plans.

During Construction

3. In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby properties, all other construction activities shall be limited to non-holiday weekdays between 7:30 a.m. and 6:00 p.m. In addition to meeting requirements of the City's Noise Ordinance, only low noise impact work such as that listed below, shall be permitted on Saturdays from 9:00 a.m. to 5:00 p.m. and on Sundays from 10:00 a.m. to 5:00 p.m.:

- Surveying and layout;
- Other ancillary tasks to construction activities will include site security, surveillance, monitoring, and maintenance of weather protecting, water dams and heating equipment.

DCLU recognizes that there may be occasions when critical construction activities could be performed in the evenings and on weekends, which are of an emergency nature or related to issues of safety, or which could substantially shorten the total construction time frame if conducted during these hours. Therefore, the hours may be extended and/or specific types of construction activities may be permitted on a case-by-case basis by approval of the Land Use Planner prior to each occurrence. Periodic monitoring of work activity and noise levels will be conducted by DCLU Construction Inspections.

Signature: (signature on file) Date: February 27, 2003
Michael Jenkins, Land Use Planner
Department of Design, Construction and Land Use
Land Use Services

MJ:vr